

REMARKS

Claims 1-8 and 11-13 are pending. Claims 1, 4, 9-10 and 14-19 are currently cancelled. Claims 2-3, 5-8 and 11-13 are currently amended. Claim 20 has been added. Reconsideration of the application is requested.

Upon review of the file, it was noted that the initialed Form PTO-1449A filed with the Information Disclosure Statement dated June 7, 2005 has not been received. It is requested that the Examiner initial the Form PTO-1449A, a copy of which is enclosed for the Examiner's convenience, and return it to the undersigned attorney.

§ 112 Rejections

Claims 1-4, 6-8 and 11-13 are rejected under 35 USC § 112, first paragraph, for failing to "reasonably provide enablement for copolymers with any or all hydrophilic monomers," Office Action, page 2, last line.

New claim 20 recites at least one copolymer comprising "up to 20 weight percent hydrophilic monomer units selected from the group consisting of (meth)acrylamide, 2-ethoxyethyl (meth)acrylate, mono (meth)acrylates of polyethylene glycol monoethers, N-vinyl-2-pyrrolidone, N-vinyl formamide, N-vinyl acetamide, 2-hydroxyethyl (meth)acrylate, hydroxypropyl acrylate, vinyl pyridine, N,N-diethylaminoethyl methacrylate, N,N-dimethylaminoethyl (meth)acrylate, N-t-butylaminoethyl acrylate, acrylic acid, methacrylic acid, itaconic acid, maleic acid, fumaric acid, vinyl benzoic acid, 2-carboxyethyl acrylate, 2-sulfoethyl (meth)acrylate, 4-vinyl phenyl phosphonic acid, and combinations thereof." Support for the specified hydrophilic monomer units can be found on page 6, lines 16-22 of the present application.

Applicants maintain that the Detailed Description and supporting Examples provide sufficient support to enable one skilled in the art to prepare copolymers comprising the hydrophilic monomers recited in new claim 20. Reconsideration and removal of the 35 USC § 112, first paragraph rejection is respectfully requested.

§ 102 Rejections

Claims 1-8 and 11-13 are rejected under 35 USC § 102(g) based upon claims 1-4 and 6-8 of U.S. Patent No. 6,689,346 ("Rollat").

New claim 20 and amended dependent claims 2-3, 5-8 and 11-13 are method claims directed to preparing a cosmetic or personal care article selected from the group consisting essentially of mascara, foundation, rouge, face powder, eye liner, eyeshadow, lipstick, insect repellent, nail polish, skin moisturizer, skin cream, body lotion, and sunscreen and applying the cosmetic or personal care article to skin, nails, eyelashes or combinations thereof. In contrast, claims 1-4 and 6-8 of Rollat are composition claims directed to a reshapable hair styling composition.

The amended claims of the present application are directed to a different invention than the invention claimed in Rollat. Therefore, reconsideration and withdrawal of the 35 USC § 102(g) rejection is respectfully requested.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

SEPT. 3, 2009
Date

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Use as many sheets as necessary)

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Application Number

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Art Unit

1617

Examiner Name

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Attorney Case Number

55980US004

U.S. Patent Documents

Exam. Init.*	Cite No.	Document Number	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Doc. Number-(Kind Code if Known)			
	A1	US- 6,214,328 B1	04-10-2001	Chang et al.	
	A2	US-			
	A3	US-			
	A4	US-			
	A5	US-			
	A6	US-			
	A7	US-			
	A8	US-			
	A9	US-			
	A10	US-			
	A11	US-			

Foreign Patent Documents

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		Ctry. Code	Number-(Kind Code if known)				
	B1	WO	97/33557	09/18/1997			
	B2						
	B3						
	B4						
	B5						
	B6						
	B7						

OTHER DOCUMENTS

Exam. Init.*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation (Check if yes)
	C1		
	C2		
	C3		

*Examiner:

Date Considered:

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